

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK BILEK and)	
KATHI BILEK,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO.: 1:18-CV-01651
)	
FORI AUTOMATION, INC.,)	
OXBOW MACHINE PRODUCTS, INC.,)	
ARISTEO CONSTRUCTION)	
COMPANY, LESCO DESIGN AND)	
MANUFACTURING COMPANY, INC.,)	
and THE STATE GROUP INDUSTRIAL)	
(USA) LIMITED,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO DISMISS DEFENDANT, ARISTEO CONSTRUCTION
COMPANY, ONLY, WITHOUT PREJUDICE AND COSTS WAIVED**

Plaintiffs, Frank Bilek ("Frank") and Kathi Bilek, by counsel, **KENNETH J. ALLEN LAW GROUP, LLC**, file their motion to dismiss Defendant, Aristeo Construction Company, only, without prejudice and costs waived. In support thereof, Plaintiffs respectfully state as follows:

1. Pursuant to FED. R. CIV. P. 41(a)(2), Plaintiffs request that this Court dismiss Defendant, Aristeo Construction Company, only, **without** prejudice and with each party bearing its own costs.

2. Rule 41(a)(2) permits this Court to dismiss an individual defendant in the case as opposed to dismissing the entire “action.” See *Home Federal Bank for Sav. v. Ben Franklin Financial Corp.*, No. 90 C 1670, 1990 WL 91495 (N.D. Ill. Jun. 22, 1990) (holding that Rule 41(a) was a proper method of dismissing all claims against one defendant while maintaining claims against remaining defendants).

3. Defendant, Aristeo Construction Company (“Aristeo”) has not made any counterclaims against the Plaintiffs.

4. No prejudice will result to any remaining party as a result of Aristeo’s dismissal from the instant action.

5. This dismissal of Defendant, Aristeo shall have no effect on Plaintiffs’ claims against the remaining defendants, which shall remain pending and continue.

WHEREFORE, Plaintiffs respectfully pray that this Court enter an order dismissing Defendant, Aristeo Construction Company, only, without prejudice and with each party bearing its own respective costs, and for all further relief that is just and proper in the premises.

Respectfully submitted,

By: /s/ Chester L. Cameron, Jr.

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CERTIFICATE OF SERVICE

I certify that on July 25, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Chester L. Cameron, Jr.



Reply to Office Indicated _____

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